Chhotu Ram & Ors. vs. The State of Rajasthan & Ors.
SB Civil Writ. Petition No.3072/2006

Date of Order: 16th November, 2006.

PRESENT

HON'BLE MR.JUSTICE BHAGWATI PRASAD

Mr.J.R.Beniwal for the petitioner/s.
Mr.Vijay Bishnoi for the respondent/s.

Heard.

This writ petition is filed by the petitioner being aggrieved by the order of the Board of Revenue whereby in lieu of appointing a receiver Rs.20,000/- have been ordered to be paid by the petitioner per year for a holding of about 80 bighas. The learned counsel for the petitioner urged that property is not in Medio it was never in possession of Ramdayal respondent -plaintiff. The property is self earned property of the petitioners and thus the order of cash security could not have been given in lieu of appointment of receiver.

The learned counsel for the respondent urged that out of a holding of more than 200 bighas only 80 bighas have been subjected to the orders of cash deposit. These 80 bighas is the land which do not form the ownership holding of the petitioner. This was purchased and had its origin where the respondent Ramdayal had

also the share and therefore if the petitioner wanted to remain in possession of the said land Rs. 20,000/-was required to be given as cash security.

A counter offer was given by the counsel for the respondent that in case he is permitted to remain in possession he is prepared to given Rs.30,000/- as cash security. This was in reply to the arguments of the learned counsel for the petitioner that the land could not earn sufficient money to be deposited. Be that as it may. The findings of the Board of Revenue are based on concurrent findings of SDO and the Revenue Appellate Authority. The only difference is the amount for a holding of 80 bighas. The yearly deposit of Rs.20,000 is not considered to be in any way excessive. Therefore, the orders of the court below is not likely to be interfered. However, the deposit will be made by the petitioner in a Scheduled Bank in a joint account of the petitioner and the SDO concerned. The deposits will be subject to the final decision of the suit. With the aforesaid observations the petition is disposed off.

(BHAGWATI PRASAD), J.

L.George